



12-22-03

Docket No: AM100320  
Patent

1624  
Indye

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: Annmarie L. Sabb et al.  
Application No.: 10/016,331 Group Art No.: 1624  
Filed: November 2, 2001 Examiner: B. Coleman  
For: Cyclopenta[b][1,4]Diazepino[6,7,1-hi]Indoles and Derivatives  
Confirmation No.: 6477  
Customer Number: 25291

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

1. Preliminary Statements

In accordance with 37 CFR 1.97 and 1.98, Applicants submit herewith patents, publications, or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56. This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) the information is material to the examination of this application; (iii) additional information material to the examination of this application does not exist; (iv) the information, protocols, results and the like reported by third parties are accurate or enabling; or (v) the information constitutes prior art to the subject invention.

**CERTIFICATE OF MAILING 37 CFR §1.10**

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EU947815745US addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

December 19, 2003  
Date

Paula L. Dickey  
Paula L. Dickey

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2. Identification of Time of Filing

This Information Disclosure Statement

- a. ☐ is filed within three months of the filing date of the application.
- b. ☐ is filed before the mailing date of a first Office Action on the merits.
- c. ☐ is filed before the mailing date of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- d. ☒ is filed after the period specified in 2(a), 2(b) or 2(c) above, but before the mailing date of a final action under 37 CFR 1.311. This statement includes a certification under 37 CFR 1.97(e) or the fee set forth in 37 CFR 1.17(p).
- e. ☐ is filed after the mailing date of a final action or Notice of Allowance but before payment of the issue fee. This statement includes (i) a certification under 37 CFR 1.97(e), and (ii) the fee set forth in 37 CFR 1.17(p).

3. ☐ Certification under 37 CFR 1.97(e) and 1.704(d)  
The undersigned attorney certifies

- a. ☐ that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or
- b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the statement.
- c. ☐ The undersigned attorney certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign application patent office in a counterpart foreign application and was not received by any individual designated in 37 CFR 1.56(c) more than thirty (30) days prior to the filing of the statement.

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A legible copy of the patents, publications or other information cited on the attached form PTO 1449 is enclosed, except that if this patent application was filed or entered the national stage after June 30, 2003, no copy of a U.S. patent or U.S. patent application publication is enclosed.

☐ Previously Cited Information  
No copy of the patents, publications or other information cited on the attached form PTO-1449 is enclosed because it has been previously cited by or submitted to the Office in a prior application which is relied upon for an earlier filing date under 35 USC 120.

Prior application is Application Number \_\_\_\_\_, filed on \_\_\_\_\_ of \_\_\_\_\_ for \_\_\_\_\_

- ☒ Concise Explanation  
Documents cited above which are not in the English Language
- a. ☐ have been explained in the specification.
- b. ☒ have an abstract (or other concise explanation) in English enclosed or if readily available a translation into English of the document is enclosed.

Form PTO-1449 is enclosed in duplicate.

- ☒ Fees
- ☒ Fee for filing under 37 CFR 1.97(c) or (d) Fee: \$180.00

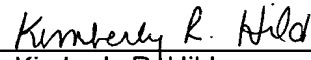
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Substitute for form 144B/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

**Complete if Known**

Application Number	10/016,331
Filing Date	November 2, 2001
First Named Inventor	Sabb et al.
Group Art Unit	1624
Examiner Name	B. Coleman
Attorney Docket Number	AM100320

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number (If known)	Kind Code (If Known)			
	1.	2002/0107242	A1	American Home Products Corp.	08-08-2002	
	2.	5,834,454	A	Sumitomo Pharmaceuticals Co.	11-10-1998	
	3.	2002/0173503	A1	Bristol-Myers Squibb Pharma	11-21-2002	
	4.	3,714,149		The Upjohn Company	01-30-1973	
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	6.	3,329,676		S.C. Bell et al.	07-04-1967	
	7.	5,045,545		Glaxo Group Ltd.	09-03-1991	
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	10.	3,335,134		Sandoz Inc.	08-08-1967	
	11.	3,296,252		Sandoz Inc.	01-03-1967	
	12.	3,235,564		G.D. Searle & Co.	02-15-1966	
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FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	Number	Kind Code (If Known)				
	14.	WO	02/42304	A2	Wyeth	05-30-2002		
	15.	WO	02/059124	A2	Bristol-Myers Squibb Co.	08-01-2002		
	16.	JP	10-237073 (U.S. Equiv. 5,834,454)		Sumitomo Pharmaceuticals	09-08-1998		
	17.	WO	00/77002	A1	DuPont Pharmaceuticals Co.	12-21-2000		
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	20.	WO	99/67219	A1	Elan Pharmaceuticals, Inc.	12-29-1999		
	21.	WO	99/66934	A1	Elan Pharmaceuticals, Inc.	12-29-1999		
	22.	SU	930902		S. Ordzhonikidze	11-19-1982		
	23.	WO	00/64899	A1	Pharmacia & Upjohn Co.	11-02-2000		
	24.	WO	97/31000	A1	Chiroscience Ltd.	08-28-1997		
	25.	EP	0357417	A1	Glaxo Group Ltd.	03-07-1990		
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	27.	WO	01/12603	A1	Vernalis Research Ltd.	02-22-2001		
	28.	WO	02/36596	A2	Wyeth	05-10-2002		
	29.	WO	97/30999	A1	Chiroscience Ltd.	08-28-1997		

OTHER PRIOR ART — NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.		T
	30.	P.J. COWEN et al., Nature 376, 557 (August 1995).		<input type="checkbox"/>
	31.	A.J. ROBICHAUD et al., Annual Reports in Medicinal Chemistry, 35, 11-20 (2000).		
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	34.	D.H. KIM, J. Heterocycl. Chem., 12, 1323-1324 (December 1975).		
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	36.	SHUNJI NARUTO et al., Tetrahedron Letters, 39, 3399-3402 (1975).		

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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(use as many sheets as necessary)

Sheet 2 of 2

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Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
	37.	A.N. GRINEV et al., Chem. Heterocycl. Compd., 19(9), 959-961 (1983).	<input type="checkbox"/>
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	39.	E.V. LAMANOVA et al., Pharm. Chem., J., 23(2), 113-115 (1989).	
	40.	D.H. KIM et al., Journal of Medicinal Chemistry, 20(2), 209-212 (1977).	
	41.	L. TOSCANO et al., J. Heterocyclic Chem., 13, 475-480 (1976).	
	42.	A. KATRITZKY et al., Synthesis, 10, 1487-1490 (1998).	
	43.	F. GATTA et al., Edizione Scientifica, 30(8), 631-641 (1975).	
	44.	W. LOPES et al., Journal of Brazilian Chemical Society, 4(1), 34-39 (1993).	

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